

*Response to Election of Species Requirement
U.S. Patent Application Serial No. 10/650,110
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REMARKS

The present application is directed to a method for treating Alzheimer disease in a patient. Prior to the present Response, Claims 7-16 were pending. Applicants cancel Claims 7-16 and add new Claims 17-39, which will be pending upon entry of the amendments.

Telephone Interviews

Applicants thank the Examiner for the telephone interviews on January 30, 2007, and May 5, 2007. Applicants and the Examiner discussed the election of species requirement and claim amendments during the telephone interviews.

Support for the New Claims

The new claims do not add any new matter. Support for the new claims is found in the application, as filed. Examples of support for the new claims in the application are as follows. Independent Claims 17, 28 and 39 are based on original Claims 7 and 8 and further supported by Examples 1-7 on pages 24-29 of the specification. Independent Claim 39 and dependent Claims 23, 24, 34 and 35 are also supported by lines 11-25 of the specification. Independent Claims 17, 28 and 39, as well as dependent Claims 18, 19, 29 and 30 are also supported by Table 1 on page 25 of the specification. Dependent Claims 20-22 and 31-33 are supported on pages 9-16 of the specification. Dependent Claims 25 and 36 are based on original Claims 15 and 16. Dependent Claims 26 and 27 are supported by Example 6 on page 29 of the specification. Dependent Claims 27 and 38 are supported by Example 3 on page 28 of the specification.

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Election/Restrictions

In the Election of Species Requirement mailed January 12, 2007, the Examiner requires Applicants to elect as follows.

- I. First, one administration scenario should be elected out of the following two:
 - (i) administration of a partially delipidated lipoprotein particle alone; or
 - (ii) administration of a partially delipidated lipoprotein particle in combination with a therapeutic agent that affects lipid metabolism or a therapeutic agent that affects parameters associated with Alzheimer's disease.
- II. If administration scenario (i) is elected, then the Examiner requires the election of one disclosed species of partially delipidated lipoprotein particle out of:
 1. Specifically claimed partially delipidated lipoprotein particles recited in Claims 9-10 (HDL, LDL or VLDL, or a combination thereof); or
 2. A generic partially delipidated lipoprotein particle not listed in Claims 9-10.
- III. If administration scenario (ii) is elected, then the Examiner requires the following elections:
 - A. The election of one disclosed species of partially delipidated lipoprotein particle out of:
 1. Specifically claimed partially delipidated lipoprotein particles recited in Claims 9-10 (HDL, LDL or VLDL, or a combination thereof); or
 2. A generic partially delipidated lipoprotein particle not listed in Claims 9-10.
 - B. The election of a single disclosed species of therapeutic agent that either affects lipid metabolism or parameters associated with Alzheimer's Disease out of
 1. The specifically disclosed therapeutic agents; or
 2. Not specifically disclosed generic therapeutic agents.

Applicants cancelled previously pending claims. The new claims are directed to methods of treating or delaying onset of symptoms of Alzheimer's disease in a patient, comprising administering to the patient an amount of a composition comprising partially delipidated plasma. Applicants therefore assert that claim amendments render the Election of Species

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Requirement moot. Applicants request withdrawal of the Election of Species Requirement and examination of the new claims.

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CONCLUSION

The foregoing is submitted as a full and complete response to the Election of Species Requirement mailed January 12, 2007. No additional fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies which may be required or credit any overpayment to Deposit Account Number 11-0855.

Applicants assert that the claims are in condition for allowance and respectfully request that the application be passed to issuance. If the Examiner believes that any informalities remain in the case that may be corrected by Examiner's amendment, or that there are any other issues which can be resolved by a telephone interview, a telephone call to the undersigned agent at (404) 815-6102 or to Dr. John McDonald at (404) 745-2470 is respectfully solicited.

Respectfully submitted,



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